

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document was signed electronically on November 20, 2009, which may be different from its entry on the record.

IT IS SO ORDERED.

Dated: November 20, 2009



Arthur I. Harris  
United States Bankruptcy Judge

B09-01130

FDE\EAB\sbt

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT  
EASTERN DIVISION - CLEVELAND

IN RE:	)	CHAPTER 7
	)	
WILLIAM C. SPIVERY	)	CASE NO. 09-15340
	)	
BEVERLY LYNN SPIVERY	)	JUDGE ARTHUR I HARRIS
	)	
Debtors	)	AGREED ORDER GRANTING IN PART
	)	AND DENYING IN PART THE MOTION FOR
	)	RELIEF FROM STAY AND ABANDONMENT
	)	
	)	PROPERTY ADDRESS:
	)	** 18049 Nancy
	)	Cleveland, Ohio 44121

This matter came to be considered on the Motion for Relief from Stay and Abandonment (the "Motion") filed by DEUTSCHE BANK

NATIONAL TRUST COMPANY, AS TRUSTEE IN TRUST FOR THE BENEFIT OF THE CERTIFICATEHOLDERS FOR QUEST TRUST 2005-X2, ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-X2, its successors and assigns ("Movant") **with respect to the collateral described on Exhibit "A" a copy of which is attached hereto.**

Movant has alleged that good cause exists for granting the Motion and that Debtors, counsel for Debtors, the Chapter 7 Trustee, and all other necessary parties were served with the Motion and with notice of the hearing date of the Motion. **The Debtors filed an Objection to the Motion on September 1, 2009, Document #12, but now agree to the relief set forth herein as evidenced by the signature of their attorney at the end hereto.** No **other** party filed a response or otherwise appeared in opposition to the Motion.

Based on this, it appears appropriate to grant the relief requested.

IT IS, THEREFORE, ORDERED:

1. **Concurrent to the filing of this Order, the Debtors shall tender funds in the amount of \$2,418.39, which sum represents their monthly mortgage payments for August 2009, September 2009, and October 2009.**

2. **The Trustee shall abandon such Collateral as he did not oppose the Motion for Relief.**

3. The request for relief under Section 362 of the Bankruptcy Code is denied as moot as discharge was granted on October 9, 2009.

# # #

SUBMITTED BY:

/s/ Faye D. English  
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Attorneys for Movant

/s/ Richard C. Foote  
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footemail@prodigy.net  
Attorney for Debtors

EXHIBIT "A"

THE FOLLOWING REAL PROPERTY, SITUATED IN THE CITY OF CLEVELAND, COUNTY OF CUYAHOGA AND THE STATE OF OHIO:

AND KNOWN AS BEING SUBLOT NO. 35 IN THE GREENLAWN CONSTRUCTION CO. GREEN ACRES SUBDIVISION OF PART OF ORIGINAL EUCLID TOWNSHIP LOT NO. 50 GORE TRACT AND ORIGINAL EUCLID TOWNSHIP LOT NO. 17, TRACT NO. 11, AS SHOWN BY THE RECORDED PLAT IN VOLUME 156 OF MAPS, PAGE 8 OF CUYAHOGA COUNTY RECORDS, AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTHERLY LINE OF NANCY DRIVE, N.E., AT THE SOUTHWESTERLY CORNER OF SAID SUBLOT NO. 35; THENCE SOUTH 89 DEG. 55'02" EAST, ALONG SAID NORTHERLY LINE OF NANCY DRIVE, N.E., 49.46 FEET TO THE WESTERLY END OF A CURVED TURNOUT EXTENDING BETWEEN THE NORTHERLY SIDE OF NANCY DRIVE, N.E., THENCE NORTHEASTERLY ALONG SAID CURVED TURNOUT AN ARC DISTANCE OF 24.06 FEET ALONG THE ARC OF A CIRCLE DEFLECTING TO THE LEFT WHICH HAS A RADIUS OF 25 FEET AND WHOSE CHORD BEARS NORTH 62 DEG. 30'28" EAST, 23.15 FEET TO THE NORTHERLY END OF SAID TURNOUT; THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY SIDE OF THE TURNAROUND IN NANCY DRIVE, N.E., AN ARC DISTANCE OF 27.22 FEET ALONG THE ARC OF A CIRCLE DEFLECTING TO THE RIGHT, WHICH HAS A RADIUS OF 45 FEET AND WHOSE CHORD BEARS NORTH 52 DEG. 15'41" EAST, 26.81 FEET TO THE MOST EASTERLY CORNER OF SAID SUBLOT; THENCE NORTH 20 DEG. 24'36" WEST, ALONG THE NORTHEASTERLY LINE OF SAID SUBLOT, 96.35 FEET TO THE MOST NORTHERLY CORNER OF SAID SUBLOT; THENCE SOUTH 66 DEG. 51'35" WEST, ALONG THE NORTHWESTERLY LINE OF SAID SUBLOT, 62.49 FEET TO THE NORTHWESTERLY CORNER OF SAID SUBLOT; THENCE SOUTH 00 DEG. 04'58" WEST, 92.77 FEET TO THE PLACE OF BEGINNING, BE THE SAME MORE OR LESS, BUT SUBJECT TO ALL LEGAL HIGHWAYS.

TAX PARCEL NO: 117-35-058  
AKA: 18049 NANCY  
CLEVELAND, OH 44121  
WILLIAM SPIVERY  
ORDER# :200000653391

LIST OF PARTIES TO BE SERVED:

To be served electronically via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice List:

1. Office of the U.S. Trustee
2. Waldemar Wojcik, Chapter 7 Trustee  
wwojcik@epitrustee.com
3. Richard C Foote, Esq., Attorney for Debtors  
footemail@prodigy.net
4. Edward A. Bailey, Esq.  
Faye D. English, Esq., Attorneys for Movant  
bknotice@reimerlaw.com

To be served by mailing the same by ordinary U.S. mail, postage prepaid, to the persons listed below:

5. William C. Spivery  
Beverly Lynn Spivery, Debtors  
18049 Nancy Drive  
Cleveland, Ohio 44121
6. Cuyahoga County Treasurer  
1219 Ontario St.  
Room 300  
Cleveland, OH 44113  
\* Party of Interest \*